

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KELVIN LEONARD WILLIAMS,	§	
	§	
Petitioner,	§	
	§	Civil Action No. 3:02-CV-1117-D
VS.	§	(Fifth Circuit No. 05-10164)
	§	
DOUGLAS DRETKE, DIRECTOR,	§	
TEXAS DEPARTMENT OF CRIMINAL	§	
JUSTICE - CORRECTIONAL	§	
INSTITUTIONS DIVISION,	§	
	§	
Respondent.	§	


ORDER

The Fifth Circuit remanded this case to this court to determine whether petitioner's notice of appeal was delivered to prison officials for mailing on or before January 14, 2005. The court referred the matter to United States Magistrate Judge Irma C. Ramirez to make a recommendation concerning whether petitioner's notice of appeal was timely delivered. After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the magistrate judge in accordance with 28 U.S.C. § 636(b)(1), the court concludes that the findings, conclusions, and recommendation are correct and that petitioner timely filed his notice of appeal by placing it in the prison mail system on January 14, 2005.

The court directs the district clerk to transmit a copy of this order to the clerk of the United States Court of Appeals for Fifth Circuit in accordance with the usual procedure.

SO ORDERED.

May 13, 2005.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE